

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554  
FEB 25 2004

OFFICE OF  
MANAGING DIRECTOR

Cecilia Zurita  
Vice President  
UniPlex Telecom  
21 S.E. 1<sup>st</sup> Avenue, 5<sup>th</sup> Floor  
Miami, FL 33131

Re: Request for Fiscal Year 2003 Regulatory Fee  
Waiver  
Fee Control No. 030923883501025

Dear Ms. Zurita:

This letter responds to your request dated September 17, 2003, for waiver of Uniplex Telecom's (Uniplex) Fiscal Year (FY) 2003 regulatory fee of \$15,677.15, received by the Commission on September 22, 2003. You provide documentation showing that Uniplex filed for Chapter 11 Bankruptcy on January 16, 2002 in the United States Bankruptcy Court for the Southern District of Florida, Miami Division. You state that on July 24, 2003 the Bankruptcy Court approved Uniplex's Plan of Reorganization requiring two distributions to its creditors: \$1,200,000, paid in early September 2003, and \$500,000 to be paid in December 2003.

While the Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship, and evidence of bankruptcy or receivership is sufficient to establish financial hardship, the information you have submitted shows that Uniplex is no longer in bankruptcy but is operating under its Plan of Reorganization, which was approved by the Bankruptcy Court. *See Implementation of Section 9 of the Communications Act*, 10 FCC Rcd, 12,759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). Therefore, we are requesting additional information to allow us to ascertain if the payment of a regulatory fee may impose an undue financial hardship upon Uniplex. A petitioner may present a compelling case of financial hardship by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

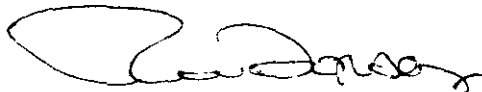
10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

In the absence of such documentation, or other relevant showing, you have failed to establish a compelling case of financial hardship. Therefore, your request for waiver of Uniplex's FY 2003 regulatory fees is dismissed. However, in view of your allegations of financial hardship, within 30 days from the date of this letter, you may refile Uniplex's request together with appropriate supporting financial documentation, establishing a compelling case of financial hardship.

If you have any questions concerning this letter, please contact the Revenue and Receivable Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", written over a horizontal line.A small, stylized handwritten mark or initial, possibly "MR", located to the left of the typed name.

Mark A. Reger  
Chief Financial Officer

0309238835301025



UniPlex Telecom Technologies, Inc.  
21 SE 1<sup>st</sup> Avenue, 5<sup>th</sup> Floor  
Miami, FL 33131 USA  
Phone: (305) 858-6700  
Fax: (305) 854-7800

September 17, 2003

**Via U.S. Mail**

Federal Communications Commission  
Office of the Managing Director  
445 12<sup>th</sup> Street, S.W., Room 1-A625  
Washington, D.C. 20554  
Attn: Regulatory Fee Waiver/Reduction Request

**Re: FY 2003 Regulatory Fee Waiver Request for UniPlex Telecom Technologies, Inc. ("UniPlex"); Filer ID: 819879; FRN: 0003736279**

Dear Sir or Madam:

This letter shall serve as the FY 2003 Regulatory Fee Waiver Request for UniPlex, and is submitted in accordance with the Commission's Regulations. See 47 C.F.R. §§ 1.1117 and 1.1166. As provided in the aforementioned Regulations, the Commission may waive regulatory fees in specific instances where good cause is shown and where waiver of the fee would promote the public interest.

UniPlex filed for relief under Chapter 11 of the U.S. Bankruptcy Code on January 16, 2002, Case No. 02-10443-BKC-RAM (a copy of the petition is attached for your convenience). After over one and a half years, UniPlex's Plan of Reorganization was approved by the Bankruptcy Court on July 24, 2003. Pursuant to the Plan of Reorganization, UniPlex is required to make two distributions to its creditors: the first distribution in the amount of US\$1,200,000 (already paid to creditors during the early part of September, 2003), and a second distribution in the amount of US\$500,000 (payable by the end of December, 2003). The two distributions do not include the substantial amount of money expended by UniPlex in legal fees and administrative expenses throughout the Chapter 11 Reorganization process. As a result, our present situation makes it very difficult to pay the FY 2003 Regulatory Fee.

UniPlex respectfully submits that the public interest will be promoted and best served by the Commission's waiver of UniPlex's FY 2003 Regulatory Fee, because this would contribute to the recovery of a carrier that serves third world markets within Central and South America, where competition is both scarce and difficult to cultivate and maintain.

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Office of Managing Director  
September 17, 2003  
Page 2

Moreover, in regard to a showing of good cause by UniPlex, the Commission's Memorandum Opinion and Order, adopted June 15, 1995, and released June 22, 1995, provides that "[w]e will grant waivers of the fees on a sufficient showing of financial hardship. ... Evidence of bankruptcy or receivership is sufficient to establish financial hardship." See Memorandum Opinion and Order, MD Docket No. 94-19, FCC 95-257, §§ 10 and 11.

For the reasons set forth above, UniPlex respectfully requests for the Commission to grant this FY 2003 Regulatory Fee Waiver Request. Enclosed please find a copy of Check No. 3213 in the amount of US\$15,677.15, and the corresponding FCC Form 159-W, filed in accordance with the *Payment Methods Fact Sheet*, should this request be denied.

Should you have any questions, please do not hesitate to contact me at (305) 858-6700. Thank you for your kind attention regarding this matter.

Sincerely yours,

  
Cecilia Zurita  
Vice President

Enclosures: Bankruptcy Petition  
Copy of Check No. 3213  
FCC Form 159-W

FORM 51

*United States Bankruptcy Court*  
SOUTHERN DISTRICT OF FLORIDA - MIAMI DIVISION

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Uniplex Telecom Technologies, Incorporated	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names): N/A	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names): <b>02-10443</b>
Soc. Sec./Tax I.D. No. (if more than one, state all): 65-0382247	Soc. Sec./Tax I.D. No. (if more than one, state all):
Street Address of Debtor (No. & Street, City, State & Zip Code): 21 S.E. 1st Ave., 5th Floor Miami, FL 33131	Street Address of Joint Debtor (No. & Street, City, State & Zip Code): <b>BKC-RAM</b>
County of Residence or of the Principal Place of Business: Miami Dade	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
Location of Principal Assets of Business Debtor (if different from street address above):	Attorney: Paul J. Batista, 334162 Genovese Joblove & Battista, P.A. Bank of America Tower 100 S.E. Second St., 36th Floor Miami, FL 33131 ph. (305) 349-2300

## Information Regarding the Debtor (Check the Applicable Boxes)

## Venue (Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

## Type of Debtor (Check all boxes that apply)

- ☐ Individual(s) ☐ Railroad
- ☒ Corporation ☐ Stockbroker
- ☐ Partnership ☐ Commodity Broker
- ☐ Other \_\_\_\_\_

## Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ☐ Chapter 7 ☒ Chapter 11 ☐ Chapter 13
- ☐ Chapter 9 ☐ Chapter 12
- ☐ Sec. 304 - Case ancillary to foreign proceeding

## Nature of Debts (Check one box)

- ☐ Consumer/Non-Business ☒ Business

## Chapter 11 Small Business (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U.S.C. § 101.
- ☐ Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)

## Filing Fee (Check one box)

- ☒ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (Applicable to individuals only)  
Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.

## Statistical/Administrative Information (Estimates only)

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors

1-15	16-49	50-99	100-199	200-999	1000-over
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Assets

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Debts

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THIS SPACE IS FOR COURT USE ONLY

U.S. BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI  
02/19/15 11:11:00  
CLERK

# Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s)

Uniplex Telecom Technologies, Incorporated

FORM B1, Page 2

## Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)

Location

Where Filed NONE

Case Number

Date Filed:

## Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of the Debtor (If more than one, attach additional sheet)

Name of Debtor:

NONE

Case Number

Date Filed:

District:

Relationship:

Judge:

## Signatures

### Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (if not represented by attorney)

Date

### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

WASHINGTON VASCONES

Printed Name of Authorized Individual

President

Title of Authorized Individual

Date

1-16-02

### Signature of Attorney

X

Signature of Attorney for Debtor(s)

PAUL J. BATTISTA 884162

Printed Name of Attorney for Debtor(s)

Genovese Joblove & Battista, P.A.

Firm Name

Bank of America Tower

Address

100 S.E. Second St., 36th Floor Miami, FL 33131

(305) 349-2300

Telephone Number

Date

1-16-02

### Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

X

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

### Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11) Exhibit A is attached and made a part of this petition.

### Exhibit B

(To be completed if the debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 or title 11, United States Code, and have explained the relief available under each such chapter

X

Signature of Attorney for Debtor(s)

Date

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110, 18 U.S.C. § 156

**Federal Communications Commission**  
**Interstate Telephone Service Provider Regulatory Fee**

Approved by OMB  
3060-0949

This packet contains the 2003 FCC Regulatory Fee Worksheet Form 159-W and a Remittance Advice Form 159. The FCC Form 159-W worksheet below has been completed using information from your previously submitted FCC Form 499-A. If any of this information is incorrect, please enter the correct figures on the blank worksheet enclosed and recalculate your regulatory fee. If all FCC regulatory fees that you owe total less than \$10, you are not required to file or remit payment. Otherwise, remit the fee either with this page, or with a completed Remittance Advice Form 159 and a correct Regulatory Fee Worksheet FCC 159-W.

**Attention:**

**Filing must be received by September 24, 2003. See Public Notice.**

2460 UniPlex Telecom Technologies, Inc.  
21 S.E. 1st Ave.  
5th Floor  
Miami, FL 33131

If the revenue information on this page is correct, you may sign in Block (30) and submit this page in lieu of a separate Remittance Advice Form 159 and Form 159-W Regulatory Fee Worksheet

Block (22) - Applicant TIN

65-0382247

Please Verify  
TIN and FRN

Block (21) - Applicant FRN - CORESID

0003-7362-79

Block (23A) - FCC Call Sign/Other ID

Filer 499 ID - [Fee Year]

819879-2003

Block (24A) - Payment Type Code

0372

Block (25A) - Quantity

[Your regulatory fee base]

\$7,877,964.00

Block (27A) - Total Fee

\$15,677.15

Block (28A) - FCC CODE 1

[Interstate & Intl end-user revenues]

\$7,877,964.00

Block (29A) - FCC CODE 2

[excluded interstate end-user revenues]

\$0.00

**FCC Form 159-W Regulatory Fee Worksheet (based on your FCC Form 499-A filing)**

**Calendar year 2002 revenue information shown in whole dollars**

1	Service provided by U.S. carriers that both originates and terminates in foreign points. FCC Form 499-A Line 412 (e)	\$0.00
2	Interstate end-user revenues from all telecommunications services FCC Form 499-A Line 420 (d)	\$0.00
3	International end-user revenues from all telecommunications services except international-to-international. FCC Form 499-A Line 420 (e)	\$7,877,964.00
4	Total interstate and international end-user revenues (Sum of Lines 1, 2 and 3) Note: also enter this number on Block (28A) - "FCC Code 1"	\$7,877,964.00
5	End-user interstate mobile service monthly and activation charges. FCC Form 499-A Line 409 (d)	\$0.00
6	End-user international mobile service monthly and activation charges. FCC Form 499-A Line 409 (e)	\$0.00
7	End-user interstate mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A Line 410 (d)	\$0.00
8	End-user international mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A Line 410 (e)	\$0.00
9	End-user interstate satellite service FCC Form 499-A Line 416 (d)	\$0.00
10	End-user international satellite service. FCC Form 499-A Line 416 (e)	\$0.00
11	Surcharges on mobile and satellite services identified as recovering universal service contributions and included in Line 403 (d) or 403 (e) on your FCC Form 499-A. [Note: you may not include surcharges applied to local or toll services, nor any surcharges identified as intrastate surcharges.]	\$0.00
12	Interstate and international revenues from resellers that do not contribute to USF Form 499-A Line 511 (b)	\$0.00
13	Total excluded end-user revenues. (Sum Lines 5 through 12) Note: also enter this number on Block (29A) - "FCC Code 2".	\$0.00
14	Total subject revenues. (Line 4 minus Line 13) Note: also enter this number on Block (25A) - "Quantity".	\$7,877,964.00
15	Interstate telephone service provider fee factor	0.00199
16	2001 Regulatory Fee (Line 14 times Line 15)* Note: also enter this number on Block (27A) - "Total Fee"	\$15,677.15

\* You are exempt if you owe less than \$10 for all FCC reg. fees. If the above figures are correct, you may certify and use this page in lieu of completed Forms 159 & 159-W

Block (30) -

I, Cecilia Zurita CERTIFY under penalty of perjury that the foregoing and supporting information is true and correct to the  
(please print)

best of my knowledge, information and belief (Signature) Cecilia Zurita (Date) 9/17/2003

☐ MasterCard ☐ Visa ☐ Discover ☐ AmEx Credit Card # \_\_\_\_\_ Expir. Date \_\_\_\_\_

I hereby authorize the FCC to charge my credit card above for the services/authorizations herein described

<See Public Notice for other payment options> (Signature) \_\_\_\_\_ (Date) \_\_\_\_/\_\_\_\_/2003

If the above revenue data does not correspond to your 499-A filing, please contact the Form 499 Data Collection Agent at 973-560-4460

**Attention: Filing must be received by September 24, 2003. See Public Notice.**

**FCC FORM 159-W**  
**July 2001**



Non-Public For Internal Use Only

## RAMIS ACCOUNT RECEIVABLES

### Check Number Query Report

Page 4 of 4  
Friday, October 03 2003 02:45 PM

FEE Control Number : 0309238835301025

Customer FRN : 9999999982

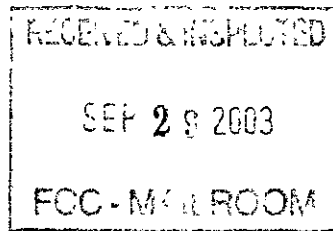
FRN Name : GENERIC FRN

Check Number : 321300000000

Receipt Amount : \$15,677.15

Date Received : 09/22/2003





UniPlex Telecom Technologies, Inc.  
21 SE 1<sup>st</sup> Avenue, 5<sup>th</sup> Floor  
Miami-FL 33131-1009 - USA  
Phone: (305) 858-6700  
Fax: (305) 854-7800

September 19, 2003

Via U.S Mail

**FEDERAL COMMUNICATIONS COMMISSION**  
Office of the Managing Director  
445 12<sup>th</sup> Street S.W., Room 1-A625  
Washington, D.C., 20554

**RE: FY2003 Regulatory Fee Waiver; FRN: 0003736279**

Dear Sirs:

Enclosed please find a request for waiver of the FY2003 Regulatory Fees, including the attachments required by the Commission's Rules.

Please acknowledge receipt of this filing by date-stamping the copy provided for this purpose and returning to us it in the enclosed stamped self-addressed envelope at your earliest convenience.

Should you require any additional documents, please do not hesitate to contact Mr. Amadeus Richers or me at (305) 858-6700.

Sincerely yours,

A handwritten signature in dark ink, appearing to be "L. Whan", written over a horizontal line.

Leonard Whan  
General Counsel

Encl.

RECEIVED OCT 03 2003